

OSSENTJUK & BOTTI

A PARTNERSHIP OF PROFESSIONAL CORPORATIONS
ATTORNEYS AT LAW

David A. Ossentjuk
DOssentjuk@oandblawyers.com

2815 Townsgate Road, Suite 320
Westlake Village, California 91361

tel: 805.557.8081
fax: 805.456.7884
www.oandblawyers.com

April 4, 2017

VIA EMAIL AND U.S. MAIL
(thea.tryon@waterboards.ca.gov)

Ms. Thea Tryon
Site Cleanup Program
Central Coast Regional Water
Quality Control Board
895 Aerovista Place, Suite 101
San Luis Obispo, CA 93401

Re: Site Investigations at 825 Buckley Road and 4665 Thread Lane
San Luis Obispo, CA

Dear Thea:

As you know, my firm and I represent SLO Buckley Properties, LLC and Ms. Janice Noll with respect to the two above-referenced matters. This letter pertains to Jan Noll and the 13267 Order that was directed to her.

First of all, thank you for the flier on tomorrow's webinar by CFCC. Jan is out of town but will try to watch. If I am back from my morning meeting in time, I also will try to watch.

Next, following up on our conversation earlier this week, Jan authorized me to provide some additional information regarding her financial situation.

Jan owns an undivided majority interest in the Noll property. The remaining interest is owned by her brother John Noll. Jan's interest in that property is her only meaningful asset. The property is encumbered with a deed of trust securing her repayment of a significant loan. She works full time, but the rent she receives from the tenants on that property is a primary source of her income. She does not have the approximately \$45,000 necessary to perform the soil and groundwater investigation on the property that the Board has ordered. Trak Environmental understandably has declined to perform the work without assurances that she will be able to pay for it.

As I mentioned in my prior email and during our conversation, Jan has hoped to pay for those costs by borrowing the money from a private lender. That person recently declined to make that loan.

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Jan is going to explore the possibility of borrowing the money from a bank. The problem, however, is that any bank that might consider making that loan is going to want it to be secured by her real property, and the loan application process will require Jan to disclose that the loan proceeds are to be used to investigate environmental contamination on the property that would be security for the loan. Given my experiences with institutional lenders, I am skeptical that Jan will be able to find a lender willing to secure a loan with a second position deed of trust on a contaminated property. Finding a lender like that, if one even exists, will take a long time. The costs of any such loan are likely to be high.

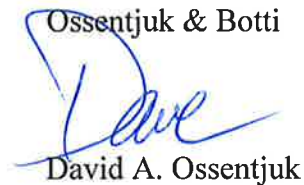
As I mentioned, Jan filed a preliminary application with the SCAP program last week. I tried multiple times to print that application from the FAAST site, but despite the fact that there is a tab indicating that all pages could be printed, only one page actually could be printed. I have enclosed that page. I will contact the FAAST people to see how I can get the rest of the pages.

We will keep you fully apprised of developments. In the meantime, I have to ask the Board for an open extension of the May 5 deadline for Jan's submittal of the report on the further site investigations on the Noll property.

Thanks for your attention to this, and for your ongoing courtesy.

Very truly yours,

Ossentjuk & Botti



David A. Ossentjuk

cc: Ms. Janice Noll - w/encl. (via email-jan.nollproperties@gmail.com)
Mr. Alan Strasbaugh - w/encl. (via email-alan@strasbaugh.com)
Mr. Robert Cashier - w/encl. (via email-bob@trakenviro.com)

Application Overview

RFP Title: Groundwater Quality Funding Programs - Pre Application
Submitting Organization: Noll Properties
Submitting Organization Division:
Project Title: Buckley Road regional groundwater investigation
Project Description: Investigation of groundwater in the area of Buckley Road, San Luis Obispo, CA
Water System ID:
District Office:

APPLICANT DETAILS

Applicant Organization: Noll Properties
Applicant Organization Division:
Applicant Address: 1957 Santa Barbara Ave., Suite 202 , San Luis Obispo , CA - 93401

PROJECT LOCATION

Latitude : 35.234770 **Longitude:** -120.640490
Watershed:
County: San Luis Obispo
Responsible Regional Water Board: 3 Central Coast Regional Water Board

PROJECT BUDGET

Funds Requested(\$): 45,280.00
Local Cost Match(\$): 0.00
Total Budget(\$): 45,280.00

Funding Program		Applied	Amount Recommended by State Water Board		
Groundwater Quality Funding Programs - Pre Application		Yes	\$0.00		
Project Management Role	First Name	Last Name	Phone	Fax	Email
Project Director: Authorized Representative	Bob	Cashier	805-650-5333		bob@trakenviro.com
Project Manager: Day to day contact	Jan	Noll	805-440-1198		jan.nollproperties@gmail.com

Applicant Information

Name: Noll Properties